

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

LORA MILETTA,

Plaintiff,

V.

COMMISSIONER, SOCIAL SECURITY
ADMINISTRATION,

Defendant.

Civil No. 04-1133-HU

ORDER

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JONES, Judge:

Magistrate Judge Dennis J. Hubel filed Findings and Recommendation (#34) on December 15, 2005, in the above-entitled case. The matter is now before me pursuant to 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). No objections have been timely filed. This relieves me of my obligation to give the factual findings de novo review. Britt v. Simi Valley Unified School Dist., 708 F.2d 452, 454 (9th Cir. 1983). Having reviewed the legal principles de novo, I find no error.

Accordingly, I ADOPT Magistrate Judge Hubel's Findings and Recommendation (#34) dated December 15, 2005, in its entirety. The Commissioner's final decision is affirmed. The court lacks jurisdiction to review the Commissioner's refusal to reopen plaintiff's prior application for benefits. The case is dismissed.

IT IS SO ORDERED.

DATED this 30th day of January, 2006.

/s/ Robert E. Jones
ROBERT E. JONES
United States District Judge